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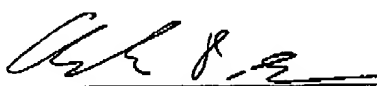
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ATL0001670 (1376-0001670)	
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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71, Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>42,146</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <u>Adam D. Sheehan</u> Typed or printed name <u>512-439-7100</u> Telephone number <u>August 7, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Chun WANG et al.

Title: MEMORY CONTROLLER FOR HANDLING MULTIPLE CLIENTS
AND METHOD THEREOF

App. No.: 09/923,524

Filed: 08/07/2001

Examiner: NGUYEN, Hau H.

Group Art Unit: 2676

Atty. Dkt. No.: ATI.0001670 (1376-0001670)

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**REMARKS IN SUPPORT OF
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed March 9, 2006 (hereinafter, "the Final Action"), and pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicants request review of the following issues on appeal.:

MacInnis fails to disclose receiving configuration data and routing data access requests based on a tag

At page 2 of the Final Action, claims 1-6, 8, 10-21, 23-32, and 34 were rejected under 35 U.S.C. Section 102(e) as being anticipated by MacInnis (U.S. Patent No. 6,570,579). Claim 1 recites "receiving configuration data that indicates, for each client of a plurality of clients, which memory controller of a plurality of memory controllers will support the client" and "routing each of the one or more data access requests from the router to a corresponding memory controller of the plurality of memory controllers based on the configuration data and based on the tag associated with each of the one or more data access requests." These elements are not disclosed by MacInnis.

CERTIFICATE OF TRANSMISSION/MAILING	
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<u>Molly K. Harrison</u>	<u>Molly K. Harrison</u>
Typed or Printed Name	Signature

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MacInnis discloses a dual memory system including a memory select block 1100 that routes memory requests to a first arbiter 1102 or to a second arbiter 1106 based *on the address of the requested memory*. *MacInnis*, col. 53, lines 3-27. MacInnis does not route data access requests based on *on a tag* associated with the data access request but instead routes requests based on a memory address. A tag includes more information than a memory address. As explained in the specification at page 4, a tag provides information about the client that initiated the request as well as the purpose of the request. A memory address does not provide this information. Accordingly, MacInnis fails to disclose each and every element of claim 1.

Further, MacInnis does not disclose receiving configuration data that indicates, for each client of a plurality of clients, which memory controller of a plurality of memory controllers will support the client as recited in claim 1. The Final Action does not cite or refer to any portion of MacInnis that discloses these elements. Instead, the Final Action argues that these elements are “*inherently included*” in MacInnis in order to identify which memory controller will support the requesting client. *Final Action*, p.4 (emphasis added). However, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534 (Fed. Cir. 1993). In addition, “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.’” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). The Final Action makes no showing that the system of MacInnis necessarily receives configuration data that indicates, for each of a plurality of clients, which memory controller of a plurality of memory controllers will support the client. There is no disclosure in MacInnis as to how the memory select block 1100 identifies which address is associated with a particular controller. The memory select block 1100 could associate an address with a memory controller in a number of ways that do not require that the memory select block 1100 receive configuration data. For example, the memory select block 1100 of MacInnis could be designed so that the addresses associated with a particular memory controller are preconfigured when the memory select block 1100 is created. For example, the configuration data could be hardwired into the memory select block 1100, rather than received. Further, in this

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case even if the memory select block 1100 did actually receive a memory address, the address would be ignored by the memory select block 1100. Thus, the memory select block 1100 does not necessarily have to receive configuration data. Accordingly, the Office has failed to make a *prima facie* case that MacInnis inherently discloses receiving configuration data that indicates, for each client of a plurality of clients, which memory controller of a plurality of memory controllers will support the client as recited in claim 1.

Claims 2-6, 8, 10-21, 23 and 42-43 depend from claim 1. Accordingly, MacInnis fails to disclose each and every element of these claims, at least by virtue of their dependency on claim 1. Moreover, these claims recite additional non-obvious features.

With respect to claim 24, the claim recites:

a storage module having a memory location and an output port, the memory location to store configuration data;

...

a router having a plurality of first input ports coupled to the data access port of each of the plurality of clients, a second input port coupled to the output port of the storage module, a first plurality of output ports, and a second plurality of output ports, wherein the router is to route data at each one of the plurality of first input ports to a respective output port of the first or second plurality of output ports based upon the configuration data stored in the storage module and based upon a tag associated with the data.

As explained above, there is no disclosure in MacInnis as to how the memory select block 1100 associates a memory address with a particular memory controller. In particular, MacInnis does not disclose that the memory select block 1100, or any other portion of the MacInnis system, uses configuration data to associate a memory address with a memory controller. Accordingly, because MacInnis nowhere discloses configuration data, MacInnis necessarily fails to disclose a memory location to store configuration data, as recited in claim 24.

Further, as explained above, MacInnis does not disclose routing data based on a tag associated with the data. Accordingly, MacInnis necessarily fails to disclose a router that routes data to different data ports based on a tag associated with the data. Thus, MacInnis fails to disclose each and every element of claim 24.

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Claims 25-32 and 34 depend from claim 24. Accordingly, MacInnis fails to disclose or suggest each and every element of these claims, at least by virtue of their dependency on claim 24. Moreover, these claims recite additional non-obvious features.

Obviousness Rejection of Claims 7 and 9

At page 7 of the Office Action, claims 7 and 9 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over MacInnis in view of Kilgariff (U.S. Patent No. 5,999,183). Claims 7 and 9 depend from claim 1. As set forth above, MacInnis does not disclose or suggest each and every element of claim 1. Moreover, Kilgariff does not disclose or suggest those elements lacking in MacInnis. Accordingly, MacInnis and Kilgariff, individually and in combination, fail to disclose each and every element of claims 7 and 9, at least by virtue of their dependency on claim 1.

Obviousness Rejection of Claims 22 and 33

At page 9 of the Office Action, claims 22 and 33 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over MacInnis in view of Foster (U.S. Patent No. 6,240,492). This rejection is hereby respectfully traversed.

Claim 22 depends from claim 1, while Claim 33 depends from claim 24. As set forth above, MacInnis does not disclose or suggest each and every element of claim 1 or claim 24. Moreover, Foster does not disclose or suggest those elements lacking in MacInnis. Accordingly, MacInnis and Foster, individually and in combination, fail to disclose each and every element of claims 22 and 33, at least by virtue of their respective dependency on claims 1 and 24.

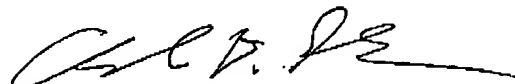
PATENT**Conclusion**

As discussed above, the Office fails to establish that the cited references disclose or suggest each and every element recited by any of the pending claims. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Respectfully submitted,

8/17/06

Date



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